

UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

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OSMAN N. OZSUSAMLAR

PLAINTIFF,

V.

COURT STENOGRAPHER

DEFENDANT,

16CV 6858

CIVIL ACTION #:

FIRST AMENDMENT COMPLAINT

The Plaintiff, Ozsusamlar, submits his first amended complaint (Pro-Se) against the Defendant, the Court Stenographer; in his Criminal Case (No:05-CR-1077(PKL)). In the Southern District of New York.

PARTIES

1) At all times hereto, the Plaintiff Ozsusamlar was incarcerated at the Federal Bureau's Prison at the Metropolitan Correctional Center in Manhattan, New York.

2) At all times relevant hereto, the Case Stenographer (Defendant) has been a resident/citizen of the State of New York.

3) At all times relevant hereto, the Defendant was acting within the course and scope of his own employment and under color of law.

JURISDICTION AND VENUE

4) This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 1343(a) and the Constitution of the

United States.

5) Venue of this case is proper in the Southern District of New York, pursuant to 28 U.S.C. § 1391 (b) because a substantial part of events or omission giving rise to the claim occurred in the District.

FACTUAL BACKGROUND

6) This matter has arisen out of the Plaintiff, (Ozsusamlar #53271-054) who is currently incarcerated at the Federal Correctional Institution in Bennettsville South Carolina. (P.O. Box 52020, FCI Bennettsville, Bennettsville SC 29512). The Plaintiff's nationality is Turkish, and he has a limited understanding of the English language. The Plaintiff also lacks a thorough understanding of law that is practiced in the United States.

7) The Defendant held the responsibility for correctly recording the legal proceedings that took place in the Court room, regardless of whether they were spoken during the offense or defense of the case in judgement.

8) The Defendant, whose actions are under question, in all areas pertaining to the Plaintiff's trial, maliciously altered multiple areas of what actually took place in his recordings.

9) The Defendant, knowingly produced an altered and forged case transcript.

10) The Plaintiff Ozsusamlar, strongly believes that the Defendant conspired, and cooperated with the cases prosecution all throughout his Court proceedings.

11) The Defendant, under the prosecutors coercion, knowingly reconstructed the trial and prior Court hearing

transcripts in violation of Plaintiffs Due Process rights.

12) The Defendant documented illegitimate statements, and events in the Court hearing and trial transcript records. As a Court Stenographer he abused his discretion and conspired to falsify information that would play a significant element in the event of a future appeal.

13) The Defendant, produced an altered and forged case transcript of the Criminal Case proceedings, violating color of law.

14) The Defendant, knowingly and willfully violated Plaintiffs Constitutional right to Due Process, by denying him his right to meaningful access to the Courts and to appeal his sentence effectively.

CAUSE OF ACTION

15) Constitutional Law; Bill of Rights; Fundamental Rights; Procedural Due Process; of Protection; Criminal Law and Procedure; Appeal; Record on Appeal; There is a generalized understanding and recognition of it being of law that a Defendant's right to a Court hearing and access to trial transcripts is of a Constitutional dimension; and that a Defendant has Due Process rights that under discretion of law must be afforded to them. IPSO FACTO, to a substantially accurate record of sentencing.

16) The Plaintiff, Ozsusamlar strongly believes, that the Defendant knowingly cooperated with the Government, in violation of his Constitutional right to Due Process. It has been legally established that a Criminal Defendants right to a Court hearing and access to trial transcripts is Constitutional. 158 Fed. Appx. 308:2005. U.S. App. LEXIS 26378. No. 4 5787-CV-12-1-2005. Decided

Dimension. See, Bounds v. Smith, 430 U.S. 817. 97. S. Ct. 1491. 52 L. Ed. 2nd. 72 (1977) and Griffin v. Illinois 351. U.S. 12-76 S. Ct. 585. 100 L. Ed. 891 (1956). Criminal Defendant has a Due Process right, IPSO FACTO, to a substantially accurate record of sentencing proceedings. Also see, Curro v. Watson 884 F. Supp 708. 719 (E.D. WY. 1995) because any attempt of an effective appellate review would be substantially hindered if the transcript were materially in error. It stands to reason, therefore; that this substantive Due Process right would be meaningless, unless it is also embraced the rights to a reasonably accurate transcript.

PRAYER OF RELIEF

The Plaintiff, Ozsusamlar prays for relief as follows:

- 1) Compensatory damages including, but not limited to non-economic damages.
- 2) Punitive damages.
- 3) Attorney fees, expenses and Court of this action.
- 4) Such further relief as this Court deems proper.

JURY DEMANDS

Plaintiff, Ozsusamlar hereby demands a trial by jury on all issues so triable.

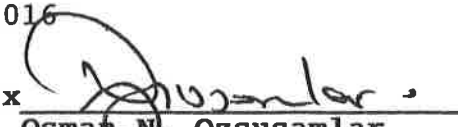
Wherefore, Petitioner respectfully asks that this Court grant the foregoing for reasons that are set forth herein.

Respectfully Submitted.

Executed this 23TH, day of August 2016

CC: Miriam E. Roch. U.S.
Attorney's Office-SDNY.
300 Quarropas Street White Plains
NY 10601.

CC: U.S. District Court For The
Southern District of New York. 500
Pearl Street, New York, NY 10007

x 
Osman N. Ozsusamlar
Federal Correctional Institution
Bennettville. P.O. Box 52020.
Bennettville SC 29512-5220.
United States, Unit A-4

CERTIFICATE OF SERVICE

I, Osman N. Ozsusamlar hereby certify that I have served a true and correct copy of the following: First Amendment Complaint.

Which is deemed filed at the time it was delivered to prison authorities for forwarding Houston v. Lack, 101 L. Ed. 2d 245 (1988), upon the defendant/defendants and or his attorney/attorneys of record, by placing same in a sealed, postage prepaid envelope addressed to:

ORIGINAL: U.S. Court of Appeals for the Second Circuit. U.S. Courthouse 40 Foley Square New York, NY 10007.

COPY: U.S. District Court For the Southern District of New York 500 Pearl Street. New York, NY 10007

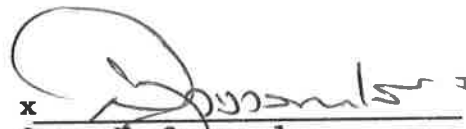
COPY: Miriam E. Rocoh. U.S Attorney's Office-SDNY. 300 Quarropas Street White Plains NY 10601.

and deposited same in the United States Mail at : VIA First Class Mail, Dropped in the Bennettsville Mail Room.

I Declare, Under Penalty of Perjury (Title 28 U.S.C. § 1746), that the foregoing is true and correct.

Dated this 23th day of August 2016.

CC:File

x 
Osman N. Ozsusamlar
Federal Correctional Institution
Bennettsville. P.O. BOX 52020
Bennettsville, SC 29512-5220
United States, Unit A-4.

⇌53271-054⇌

Osman Ozsusamlar
Federal Correctional
Institution -- Bennettville
P.O.Box 52020, Unit A - 4
Bennettville, SC 29512-5220
United States



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FEDERAL CORRECTIONAL INST.
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IF THE WRITER RAISES A QUESTION OR
PROBLEM OVER WHICH THIS FACILITY HAS
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OR CLARIFICATION. IF THE WRITER
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USM^{P3}
SDNY

53271-054

United States District Court
Southern District of New York
500 Pearl Street
10007

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